

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KELLI LYNN FORTIER,

Plaintiff,

v.

DECISION AND ORDER
14-CV-1026A

CAROLYN COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On October 12, 2016, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 12), recommending that this matter be remanded to the Acting Commissioner for further administrative proceedings. Judge McCarthy further recommends that the Acting Commissioner's motion for judgment on the pleadings (Dkt. No. 10) be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, this matter is remanded to the Acting Commissioner for further administrative proceedings, and the Acting Commissioner's motion for judgment on the pleadings is denied.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: January 21, 2017